

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JODY LEE RABY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:23-CV-296 (MTT)
)	
ANGELA REAVES-PHAMS, et al.,)	
)	
Defendants.)	
_____)	

ORDER

Pro se Plaintiff Jody Raby filed this 42 U.S.C. § 1983 action against defendants Reaves-Phams, McCrae, and West. Docs. 1; 23. United States Magistrate Judge Charles H. Weigle recommends granting the defendants' motion for summary judgment (Doc. 42) because Raby fails to establish, as a genuine issue of material fact, that the defendants violated Raby's Eighth Amendment rights. Doc. 58. Raby objected. Docs. 62; 63. Pursuant to 28 U.S.C. § 636(b)(1), the Court reviewed de novo the portions of the Recommendation to which Raby objects, and the remaining portions for clear error.

Raby's objections essentially restate his arguments that the defendants were deliberately indifferent to his safety. Docs. 62; 63. Having reviewed Raby's objections de novo, the Court agrees with the Magistrate Judge's findings and conclusions that the defendants are entitled to summary judgment because the undisputed facts do not support Raby's deliberate indifference claims. Specifically, the Court agrees that Raby failed to show that the "[d]efendants had subjective knowledge of a risk of serious harm and that they 'acted with subjective recklessness as used in the criminal law' in

disregarding that risk.” Doc. 58 at 17 (citing *Wade v. McDade*, 106 F.4th 1251, 1255 (11th Cir. 2024)).

Accordingly, the Recommendation (Doc. 58) is **ADOPTED** and made the Order of the Court. For the reasons set forth in the Recommendation, the defendants’ motion for summary judgment (Doc. 42) is **GRANTED**.

SO ORDERED, this 4th day of March, 2025.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT